

TITLE 13: DEPARTMENT OF MOTOR VEHICLES

NOTICE IS HEREBY GIVEN

The Department of Motor Vehicles (the department) proposes to amend Chapter 1, Division 1, Article 4.5, Registration Services, Sections 330.02, 330.06, 330.20, 330.32, 330.42, 330.44, 330.46, 330.48, and to repeal Section 330.54, of Title 13, California Code of Regulations.

PUBLIC HEARING

A public hearing regarding this proposed regulatory action is not scheduled. However, a public hearing will be held if any interested person or his or her duly authorized representative requests a public hearing to be held relevant to the proposed action by submitting a written request to the contact person identified in this notice no later than 5:00 P.M., fifteen days prior to the close of the written comment period.

DEADLINE FOR WRITTEN COMMENTS

Any interested person or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than 5:00 PM on July 22, 2002, the final day of the written comment period, in order for them to be considered by the department before it adopts the proposed regulation.

CONTACT PERSON

Inquiries relevant to the proposed action and questions on the substance of the proposed regulations should be directed to the department representative, Ann Myrick, Department of Motor Vehicles, P O Box 932382, Mail Station E-244, Sacramento, California 94232-3820; telephone number (916) 657-8857; or amyrick@dmv.ca.gov. In the absence of the department representative, inquiries may be directed to the Regulations Coordinator, Deborah Baity, (916) 657-5690 or dbaity@dmv.ca.gov. The fax number for the Regulations Branch is (916) 657-1204.

AUTHORITY AND REFERENCE

The department proposes to adopt these regulations under the authority granted by Section 1651 of the Vehicle Code in order to implement, interpret or make specific Sections 11400, 11401, 11406, 11406.5, and 11407 of the Vehicle Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Vehicle Code Section 11400 prohibits any person or entity from engaging in the business of soliciting or receiving any application for the registration, renewal of registration, or transfer of registration or ownership of any vehicle of a type subject to registration under the Vehicle Code; or to transmit or present any of those documents to the department if any compensation is solicited or received for the service, without licensure by the department.

Procedures established in Sections 330.02 through 330.54 of Title 13, Chapter 1, Division 1, Article 4.5 do not go far enough to prevent fraudulent actions on the part of registration services. These proposed amendments will provide additional protection to the consumer as well as protect the validity of the department's database.

The department proposes to amend the following sections of Title 13, Chapter 1, Division 1, Article 4.5 as indicated:

Section 330.02 is amended in order to obtain additional information regarding who is authorized to approve and present registration service documents to the department.

Section 330.06 is amended to ensure compliance with Department of Justice procedures regarding fingerprinting.

Section 330.20 is amended to allow the department to ensure that authorized personnel are submitting registration work to the department for the registration service.

Section 330.32 is amended to designate DMV field offices a registration service may utilize. The specified offices would have a listing of authorized employees for registration service documents received.

Sections 330.42, 330.44, and 330.48 are amended to begin use of a form that will capture the vehicle owner and registration service owner approvals prior to submitting documents to the department.

Section 330.46 is amended to correct a typographical error in the text.

Section 330.54 is proposed to be repealed to remove language that is already covered in statute.

FISCAL IMPACT STATEMENT

- Cost or Savings to Any State Agency: None.
- Other Non-Discretionary Cost or Savings to Local Agencies: None
- Costs or Savings in Federal Funding to the State: None.
- Cost Impact on Representative Private Persons or Businesses: The department is not aware of any cost impacts that a representative business would necessarily incur in reasonable compliance with the proposed action.
- Effect on Housing Costs: None.

DETERMINATIONS

The department has made the following initial determinations concerning the proposed regulatory action:

- The proposed regulatory action has no effect which would have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. The regulatory action proposed by the department clarifies procedures for licensed registration services. No studies or data were relied upon in support of this proposal.
- The adoption of this regulation will neither create nor eliminate jobs or businesses in the state of California, will not result in the elimination of existing businesses, and will neither reduce nor expand businesses currently doing business in the state of California.
- The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate which requires reimbursement pursuant to part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- The proposed regulatory action will not affect small businesses because the regulations only amend the procedures for registration services that can easily be complied with at no additional costs.

ALTERNATIVES CONSIDERED

The department must determine that no reasonable alternative considered by the department or that has otherwise been identified and brought to the attention of the department would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The department has prepared an initial statement of reasons for the proposed action, and has available all the information upon which the proposal is based. The contact person identified in this notice shall make available to the public upon request the express terms of the proposed action using underline or italics to indicate additions to, and strikeout to indicate deletions from, the California Code of Regulations. The contact person identified in this notice shall also make available to the public upon request the final statement of reasons once it has been prepared and submitted to the Office of Administrative Law, and the location of public records, including reports, documentation and other materials related to the proposed action. In addition, the above-cited materials may be accessed at www.dmv.ca.gov, Other Services, Legal Affairs Division, Regulatory Notices web page.

AVAILABILITY OF MODIFIED TEXT

Following the written comment period, and the hearing if one is held, the department may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the full modified text with changes clearly indicated shall be made available to the public for at least 15 days prior to the date on which the department adopts the resulting regulations. Request for copies of any modified regulations should be addressed to the department contact person identified in this notice. The department will accept written comments on the modified regulations for 15 days after the date on which they are first made available to the public.